

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Todd Heichel, et al.,

Plaintiffs,

v.

Tri City Transport LLC, et al.,

Defendants.

No. CV-22-01513-PHX-SMM

ORDER

This matter is before the Court on Plaintiff's Motion for Costs and Attorney Fees. (Docs. 57, 58). For the following reasons, the Court grants the Motion.

I. BACKGROUND

Plaintiffs, Todd Heichel, Rudy Castro, Justin Garmendia, Joshua Holgate, and Randi Pitts, brought this action pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 ("FLSA"), the Arizona Wage Act, A.R.S. § 23-353 ("AWA"), and the Arizona Minimum Wage Act, A.R.S. § 23-363 ("AMWA") against Defendants Tri City Transport LLC ("Tri City"), Swwoop LLC ("Swwoop"), and Michael Butler for Defendants' failure to pay sufficient minimum wages and overtime wages. The Complaint goes on to allege that the revenue generated by the two companies was merged and managed in a unified manner, with the Defendants operating as a single enterprise. Defendant Butler was the operating employer. (*Id.* at ¶¶18-21).

Defendants employed the Plaintiffs and paid them per mile driven. (*Id.* at ¶ 19). Defendants are alleged to have failed to pay Plaintiffs a rate at or close to minimum wage

1 per hour work, failed to reimburse Plaintiffs for mileage expenses at the standard IRS
 2 business mileage rate, and failed to pay overtime rates of one and one-half times their
 3 regular rate for all hours worked over forty in a week. (*Id.* at ¶¶ 34,40-53, and 62).

4 On August 2, 2023, the Clerk of the Court entered default as to Defendants
 5 Swwoop LLC and Tri City Transport LLC, pursuant to Fed. R. Civ. P. 55(a). On
 6 February 2, 2024, the Clerk of the Court entered default as to Defendant Michael Butler,
 7 pursuant to Fed. R. Civ. P. 55(a). On September 26, 2025, the Court granted default
 8 judgment to Plaintiffs Heichel, Castro, and Garmendia. (Doc. 51). The Court denied
 9 without prejudice the Default Judgment as to all parties other than the named Plaintiffs in
 10 the original Complaint because the Plaintiffs did not move the Court to allow the Court to
 11 consider whether it is proper to include these additional parties in the Default Judgment
 12 before it. (Doc. 51). On October 14, 2025, Plaintiffs moved to include Opt-In Plaintiffs in
 13 default judgment. (Doc. 53). The Court granted conditional collection action certification
 14 and granted default judgment for the Opt-In Plaintiffs. (Doc. 56). Plaintiffs timely filed
 15 the instant Motion for Attorney Fees and Costs (Doc. 57) and supporting brief (Doc. 58).

16 II. LEGAL STANDARD

17 When a plaintiff prevails in a FLSA action, “[t]he court in such an action shall, in
 18 addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable
 19 attorney’s fee to be paid by the defendant, and costs of the action.” 29 U.S.C. § 216(b).
 20 “Once a party is found eligible for fees, the district court must then determine what fees
 21 are reasonable. . . .” *Klein v. City of Laguna Beach*, 810 F.3d 693, 698 (9th Cir. 2016)
 22 (citation omitted). Courts begin the analysis by applying the lodestar method. *See Bravo*
 23 *v. City of Santa Maria*, 810 F.3d 659, 665–66 (9th Cir. 2016). Determining the lodestar
 24 amount is a “two-step process.” *Kelly v. Wengler*, 822 F.3d 1085, 1099 (9th Cir. 2016)
 25 (citation omitted). First, a court multiplies the number of hours “reasonably expended on
 26 a case by a reasonable hourly rate.” *Id.* (citation omitted). The reasonable hourly rate is
 27 determined by assessing “the prevailing market rate in the relevant community.” *Id.*
 28 (cleaned up and citation omitted). “[T]he relevant community is the forum in which the
 district court sits.” *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 579 (9th Cir. 2008).

1 After the lodestar figure is determined, a district court retains discretion to adjust the
2 lodestar figure upward or downward based on a variety of factors “not subsumed in the
3 lodestar figure.” Id.; see Kerr v. Screen Extras Guild, Inc., 526 F.2d 67, 70 (9th Cir.
4 1975); see also LRCiv. 54.2(c)(3).

5 **III. DISCUSSION**

6 Plaintiffs have obtained a default judgment against the Defendants in this action.
7 (Doc. 53). Thus, Plaintiffs are the prevailing party and are therefore entitled to an award
8 for attorney fees and costs under the FLSA. 29 U.S.C. § 216(b). Plaintiffs’ counsel
9 requests a total of \$20,490.00 in attorneys’ fees and \$1,312.35 in costs other than
10 attorneys’ fees. (Docs. 57, 58). For the reasons set forth below, the Court grants
11 Plaintiffs’ request.

12 **A. Attorney Fees**

13 First, the Court must consider whether the hourly rate is reasonable in this District.
14 Kelly, 822 F.3d at 1099. “[T]he burden is on the fee applicant to produce satisfactory
15 evidence—in addition to the attorney's own affidavits—that the requested rates are in line
16 with those prevailing in the community for similar services by lawyers of reasonably
17 comparable skill, experience, and reputation.” Blum v. Stenson, 465 U.S. 886, 895 n.11
18 (1984).

19 In this case, Plaintiffs had seven different attorneys, paralegals, and a law clerk
20 work on this case. (Doc. 58 at 9). Attorney Courtney Lowery charged \$400 per hour,
21 attorney Karolina Viehe billed \$400 per hour, attorney Laura Edmondson billed \$300 per
22 hour, attorney Samuel Brown billed \$300 per hour, attorney Sean Short billed \$400 per
23 hour, attorney Stacy Gibson billed \$400 per hour, the paralegal billed \$150 per hour, and
24 the law clerk billed \$110 per hour. (Id.)

25 Plaintiffs’ attorney Josh Sanford submitted a detailed affidavit outlining the firm’s
26 expertise handling FLSA collective actions. (Doc. 57-2) Also, all the attorneys, except for
27 attorneys Edmondson and Brown, that worked on this case have around ten years of
28 experience. Attorneys Edmondson and Brown charged at a reduced rate of \$300.00 per
hour to account for their comparative lack of experience. Further, a rate of \$300 to \$400

1 an hour has been found to be reasonable for FLSA cases in the District of Arizona. See
2 e.g., Vilchis v. Roman’s Transportation LLC, No. CV-24-01041-PHX-ROS, 2024 WL
3 4769782 at *2 (D. Ariz. Nov. 13, 2024); see also Finton v. Cleveland Indians Baseball
4 Co. LLC, No. CV-19-02319-PHX-MTL, 2022 WL 2665927 at *2 (D. Ariz. July 11,
5 2022) (collecting cases). Accordingly, the Court finds that hourly rate requested is
6 reasonable.

7 Next, the Court considers the reasonableness of the hours expended by Plaintiffs’
8 counsel. See Twin City Sportservice v. Charles O. Finley & Co., 676 F.2d 1291, 1313
9 (9th Cir. 1982) (the prevailing party is generally entitled to recover fees for “every item
10 of service which, at the time rendered, would have been undertaken by a reasonable and
11 prudent lawyer to advance or protect his client's interest.”) Plaintiffs’ counsel billed a
12 total of 64.8 hours in this case: 2.8 hours for case initiation, 7.1 hours for client
13 communication, 5.3 hours for the collective action. 0.2 hours for court communication,
14 19.2 hours for default judgment, 1.5 hours for discovery, 3.9 hours for the fees petition,
15 8.1 hours for in-house communication, and 16.7 hours for service. (Docs. 57-1, 58 at 6).

16 This action commenced on September 8, 2022 (Doc. 1) and took over three years
17 to conclude. Plaintiffs’ counsel expended significant effort to locate and serve
18 Defendants. (Doc. 58 at 5). After Defendants failed to appear in this case, Plaintiffs
19 pursued default judgment against Defendants, which required the calculation of damages
20 on behalf of 15 Plaintiffs and Opt-In Plaintiffs. (Id.). Plaintiffs also submitted a log of
21 time expended in this case (Doc. 57-1). Having carefully considered the time and labor
22 reasonably required for each task on Plaintiffs’ activity log, the Court finds that each of
23 the entries are reasonable.

24 Further, Plaintiffs’ Counsel reduced billing in good faith to exclude potentially
25 excessive, redundant, or otherwise unnecessary hours. (Doc. 58 at 7). For example,
26 Plaintiffs’ counsel audited billing and deducted items for which billing insufficiently
27 described how the time was spent and for clerical and administrative work. (Id.).
28 Plaintiff’s counsel also utilized the assistance of support staff, such as paralegals, to keep
the cost of litigation down. (Id.)

1 The Court finds that Plaintiff's counsel's hourly rates and time expended on this
2 case are reasonable and declines to exercise its discretion to adjust the lodestar upward or
3 downward. See Stetson v. Grissom, 821 F.3d 1157, 1166-67 (9th Cir. 2016).
4 Accordingly, the Court awards Plaintiffs \$20,490.00 in attorney fees.

5 **B. Costs**

6 Plaintiffs also request \$1,312.35 in out-of-pocket costs detailed in a separate
7 detailed invoice. (Docs. 58 at 14, 57-3). This includes the \$402.00 filing fee required to
8 initiate this action and all costs incurred for tracing and serving Defendants. (Id.). Under
9 the FLSA, the court may award the prevailing party costs in addition to attorney fees for
10 the action. 29 U.S.C. § 216(b); see also Fed. R. Civ. P. 54(d) (allowing and award of
11 costs to the prevailing party). The Court finds the requested out-of-pocket costs
12 consisting of the filing fee and costs incurred tracing and serving Defendants to be
13 reasonable. The Court awards Plaintiffs \$1,312.35 in costs.

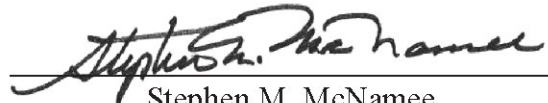
14 Accordingly,

15 **IT IS ORDERED granting** Plaintiffs' Motion for Costs and Attorneys' Fees.
16 (Docs. 57, 58).

17 **IT IS FURTHER ORDERED awarding** Plaintiffs \$20,490.00 in attorney fees
18 and \$1,312.35 in costs, plus post-judgment interest, for which Defendants Tri City
19 Transport LLC, Swwoop LLC, and Michael Butler are jointly and severally liable.

20 **IT IS FURTHER ORDERED directing** the Clerk of Court to enter judgment
21 accordingly.

22 Dated this 21st day of November, 2025.

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25 Stephen M. McNamee
26 Senior United States District Judge
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